

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. After amending the claims as set forth above, claims 15-21, 23-37 and 39-44 are now pending in this application.

Applicants wish to thank the Examiner for the careful consideration given to the claims as well as indicating that claims 19, 32, 41, and 43-44 contain allowable subject matter.

Claim 41 has been indicated to be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims. Claim 41 has been so rewritten.

**Rejection based on Koplin and Burchi**

Claims 15-18, 20-24, and 42 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 2,956,837 (“Koplin”) and U.S. Patent No. 5,542,747 (“Burchi”). For at least the following reasons, this rejection is traversed.

Claim 15 (as amended) recites, among other things, a vehicle seat having an upholstery part made of a hard foam part and a soft foam pad, wherein the upholstery part is designed as a seat part, wherein the hard foam part defines a first surface having a first portion shaped to be congruent to a contour of an upper surface of a vehicle floor, wherein the seat part is configured to be switchable between a use position with the first portion of the first surface of the hard foam part being configured to positively engage with the contour of the upper surface of the vehicle floor when in the use position, and a not-in-use position; and a hinge mechanism configured to release the first portion of the seat part from the vehicle floor and shift the seat part into the not-in-use position. The hinge mechanism comprises a first hinge arm connected at a first end to the vehicle floor and a first hinge connecting a second end of the first hinge arm to the hard foam part. The first hinge is pivotable about a first axis. The first hinge is latched to the hard foam part via a connection directly affixed to material of the hard foam part. The hinge mechanism is connected to the seat part such that the hinge mechanism does not transfer weight of a vehicle occupant into the vehicle floor during a crash

Koplin and Burchi do not teach or suggest the combination of features of claim 15. For example, Koplin and Burchi do not teach or suggest a hinge mechanism comprising a first hinge latched to the hard foam part via a connection directly affixed to material of the hard foam part, as recited in claim 15. Such a design with the integration of the hinge into the hard foam pad may lead to significant cost reduction because a supporting metal structure becomes unnecessary. Additionally, such a design may provide guidance for cushion movement without carrying significant load.

The PTO considers the link 70 of Koplin to be the hinge arm of claim 15 and the pivot point 68 of Koplin to be the first hinge of claim 15. *See* Office Action at page 4. Koplin does not teach or suggest an upholstery part made of a hard foam part and a soft foam pad. The PTO relies upon Burchi for the teaching of an upholstery part made of a hard foam part and a soft foam pad. The PTO asserts that the element 104 of Burchi is considered to be the hard foam part of claim 15 and the element 108 of Burchi is considered to be the soft foam part of claim 15. *See* Office Action at page 3. Even if the seat 100 of Burchi is used in the assembly of Koplin (a point that Applicants do not concede), the combination does not teach or suggest a hinge latched to the hard foam part via a connection directly affixed to material of the hard foam part. Koplin does not depict or describe the support structure for the pivot point 68 with sufficient details for one of ordinary skill in the art to believe that the pivot point 68 would be latched to the cushion foam via a connection directly affixed to cushion foam. Quite the contrary, one of ordinary skill in the art would not believe this to be the case since conventional wisdom is that a support structure in the seat part is needed to support the weight of the seat cushion during the pivoting action. Indeed, the use of a support structure in the seat part would be understood by one of ordinary skill in the art to such an extent that there is no need to provide such a discussion in Koplin.

The teachings of Burchi do not cure the deficiencies of Koplin because Burchi does not incorporate a hinge mechanism with its seat cushion. Because Burchi does not disclose a hinge mechanism, Burchi does not provide any guidance, reason or motivation for one of ordinary skill in the art to deviate from the conventional wisdom that a support structure is needed to support the weight of the seat cushion during the pivoting action when a hinge mechanism is used. Without such guidance, one of ordinary skill in the art would not incorporate a hinge mechanism comprising a hinge latched to a hard foam part of a seat part

via a connection directly affixed to material of the hard foam part because proceeding contrary to conventional wisdom is not obvious. *See* MPEP 2145.<sup>1</sup> Accordingly, the combination of Koplin and Burchi, together or separately, does not provide sufficient teaching, reason, or motivation for one of ordinary skill in the art to dispense with the conventional support structure for a hinge mechanism so as to result in a hinge mechanism comprising a first hinge latched to a hard foam part of a seat part via a connection directly affixed to material of the hard foam part. Because Koplin and Burchi do not teach or suggest a hinge mechanism comprising a first hinge latched to the hard foam part via a connection directly affixed to material of the hard foam part, claim 15 is allowable over Koplin and Burchi.

Claims 16-18, 20-21, 23-24, and 42 depend from and contain all the features of claim 15, and are allowable for the same reasons as claim 15, without regard to the further patentable features contained therein.

Claim 22 has been canceled, which renders the rejection of this claim moot.

For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

**Rejection based on Koplin, Burchi, and Bolsworth**

Claims 25-28 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Koplin, Burchi, and U.S. Patent No. 5,588,707 (“Bolsworth”). Claims 25-28 depend from claim 15. As previously mentioned, Koplin and Burchi do not teach or suggest a hinge mechanism comprising a first hinge latched to the hard foam part via a connection directly affixed to material of the hard foam part, as recited in claim 15. Also, the combination of Koplin and Burchi, together or separately, does not provide sufficient teaching, reason, or motivation for one of ordinary skill in the art to dispense with the conventional support structure so as to result in a hinge mechanism comprising a first hinge latched to a hard foam part of a seat part via a connection directly affixed to material of the hard foam part. Bolsworth does not cure this deficiency. Quite the opposite, Bolsworth discloses the use of a conventional support structure with a hinge mechanism. Thus, claim 15 and its dependent

---

<sup>1</sup> “The totality of the prior art must be considered, and proceeding contrary to accepted wisdom in the art is evidence of nonobviousness. *In re Hedges*, 783 F.2d 1038, 228 USPQ 685 (Fed. Cir. 1986).”

claims 25-28 are allowable over Koplin, Burchi, and Bolsworth. For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

**Rejection based on Koplin and Bolsworth**

Claims 29-40 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Koplin and Bolsworth. For at least the following reasons, this rejection is traversed.

Independent claim 29 recites, among other things, a vehicle seat comprising: a backrest; a seat part configured to be selectively coupled to the vehicle floor and configured to abut an end of the backrest in a use position, wherein the backrest is configured to recline with respect to the seat part in a rearward direction, away from the seat part, and wherein the backrest is further configured to rotate in a frontward direction, toward the seat part; a transmission link coupled to the seat part and backrest; and a hinge mechanism coupled to the seat part and the transmission link, and configured to enable the seat part to at least partially pivot about the hinge mechanism. The hinge mechanism is coupled to a pinion gear engageable with the transmission link in a manner to pivot the seat back in response to the seat part pivoting about the hinge mechanism. The seat part comprises a first recess and a second recess that are each configured to selectively receive a protrusion from the vehicle floor. The hinge mechanism is connected to the seat part such that the hinge mechanism does not transfer weight of a vehicle occupant into the vehicle floor during a crash.

Koplin and Bolsworth do not teach or suggest the combination of features of claim 29. For example, Koplin does not disclose (1) a backrest configured to recline with respect to the seat part in a rearward direction, away from the seat part and configured to rotate in a frontward direction, toward the seat part; (2) a transmission link coupled to the seat part and backrest; and (3) a hinge mechanism coupled to the seat part and the transmission link, configured to enable the seat part to at least partially pivot about the hinge mechanism, and coupled to a pinion gear engageable with the transmission link in a manner to pivot the seat back in response to the seat part pivoting about the hinge mechanism. *See* Office Action at pages 6-7.

The PTO asserts that Bolsworth cures the deficiencies of Koplin and “it would have been obvious...to use the linkage/hinge mechanism of Bolsworth since it is a known mechanism for vehicle seats and it is an obvious expedient in the art to exchange one

mechanism for another in order to operate the vehicle seat.” *See* Office Action at page 8. Even if the linkage/hinge mechanism of Bolsworth were used in the assembly of Koplin, the resulting combination would not have all the features of claim 29 because the linkage/hinge mechanism of Bolsworth does not have a hinge mechanism that is connected to the seat part such that the hinge mechanism does not transfer weight of a vehicle occupant into the vehicle floor during a crash, as required in claim 29. Quite the contrary, the hinge mechanism of Bolsworth transfers weight of a vehicle occupant into the vehicle floor during a crash because the seat part of Bolsworth sits on the hinge mechanism of Bolsworth. In other words, even if the linkage/hinge mechanism of Bolsworth cures the deficiencies of Koplin (a point that Applicants do not concede), the incorporation of the linkage/hinge mechanism of Bolsworth into the assembly of Koplin creates a new deficiency in that the combination lacks a hinge mechanism that is connected to the seat part such that the hinge mechanism does not transfer weight of a vehicle occupant into the vehicle floor during a crash because the linkage/hinge mechanism of Bolsworth (which is being used in the combination) lacks this feature.

Because the combination of Koplin and Bolsworth does not include a hinge mechanism connected to the seat part such that the hinge mechanism does not transfer weight of a vehicle occupant into the vehicle floor during a crash, claim 29 is allowable over Koplin and Bolsworth.

Independent claim 35 recites, among other things, a vehicle comprising: an interior at least partially defined by a vehicle floor, wherein the vehicle floor includes a protrusion; and a seat assembly, selectively coupled to the vehicle floor. The seat assembly comprises: a backrest; a seat part configured to pivot with respect to the backrest at one end between a use position and a not-in-use position, wherein the backrest is further configured to rotate in a frontward direction, toward the seat part, into a not-in-use position; a transmission link coupled to the seat part and backrest; and a hinge mechanism coupled to the seat part and transmission link, and configured to enable the seat part to at least partially pivot about the hinge mechanism. The hinge mechanism is coupled to a pinion gear engageable with the transmission link in a manner to pivot the seat back in response to the seat part pivoting about the hinge mechanism. The seat part defines a first recess and a second recess into which the protrusion of the vehicle floor is configured to be selectively inserted. The hinge mechanism

is connected to the seat part such that the hinge mechanism does not transfer weight of a vehicle occupant into the vehicle floor during a crash.

Koplin and Bolsworth do not teach or suggest the combination of features of claim 35. For example and as previously mentioned, the combination of Koplin and Bolsworth does not include a hinge mechanism connected to the seat part such that the hinge mechanism does not transfer weight of a vehicle occupant into the vehicle floor during a crash. Thus, claim 35 is allowable over Koplin and Bolsworth.

Claims 30-34, 36-37, and 39-40 depend from and contain all the features of claim 29 or 35, and are allowable for the same reasons as claim 29 or 35, without regard to the further patentable features contained therein.

Claim 38 has been canceled, which renders the rejection of this claim moot.

For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

#### **Conclusion**

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

1/17/2012

By

Matthew J. Kremer

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 295-4075  
Facsimile: (202) 672-5399

Matthew J. Kremer  
Attorney for Applicant  
Registration No. 58,671